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3. *Portions of Charles Pinckney's Plan for a Constitution, 1787.*

THE writer of these lines has been preparing a series of "Studies in the History of the Federal Convention of 1787," intended to be submitted for publication in the next *Annual Report of the American Historical Association*. In the course of these studies he has attacked anew the problem of the Pinckney plan. Setting aside, for reasons duly stated, the document commonly called by that name, he has attempted, by critical methods which he believes to be more rigid than those hitherto pursued, and in part novel, to reconstruct the actual text of that long-lost project. For the results, it must suffice to refer to the (it is hoped) forthcoming paper. But when the investigation was nearly completed, chance brought forward an incomplete but contemporary text of the original document itself. As Pinckney's plan was not found in the journals of the Convention, nor among its papers, and as virtually nothing has been heard of its original text from July 24, 1787, when it was referred to the Committee of Detail, down to the present time, and as it has meantime been searched for with some interest, the discovery has seemed sufficiently remarkable to justify one in asking that the document now found be printed at once in the pages of this journal.

On the day named the Committee of Detail, consisting of Rutledge, Randolph, Gorham, Ellsworth, and Wilson, was appointed, and Pinckney's and Paterson's propositions were referred to it, along with the resolutions which up to this time had been reached by the Convention. These last, twenty-three in number, are to be found gathered together in the official *Journal*, ed. 1819, while the document that emerged as the result of the committee's deliberations, the Report of the Committee of Detail, has often been printed. Intermediate between these two, and marking successive stages in the committee's work, stand three documents. First, there is that paper in Randolph's handwriting of which Mr. Meigs has printed a facsimile in his *Growth of the Constitution*, and which he has conclusively proved (pp. 317-324) to occupy the position which we are here assigning to it. The other two are drafts in the handwriting of James Wilson, preserved in the manuscript collections of the Historical Society of Pennsylvania. Mr. Meigs has referred to them, or to one of them; but says no more than that "it was evidently drawn at a much later stage of the committee's labors" than the Randolph document, and that "indeed they must have been at that time pretty nearly ready to report, for it is extremely similar to the draft actually reported." This seems rather to apply to the second, or later, of the two papers actually existing among the Wilson manuscripts.

As the investigation above alluded to was drawing to its close

it seemed that it was necessary, or at any rate might be useful, to see copies of these two Wilson documents. Copies were kindly sent by Mr. Jordan, librarian of the society. The reading of the earlier and rougher draft at once revealed a striking fact. After the series of provisions for the composition of the two branches of the federal legislature, provisions not signally differing from those found in the completed report of the Committee of Detail, came a little group of propositions drawn off from the Paterson plan, and then a series of provisions ranging through the legislative, executive, and judiciary departments, and constituting obviously an interpolation. These, it was learned, occupied a separate half-sheet, inserted by the binder in the midst of the Wilson draft. Then the course of the main document was resumed in a group of paragraphs corresponding in the main to the concluding articles of the report of the Committee of Detail. One who had been much occupied with the endeavor to reconstruct the genuine Pinckney plan could see at the first glance that the interpolated document was a series of selections from that very project. For the demonstration of this fact, and for an attempt to exhibit the manner in which the Pinckney and Paterson plans were used by the Committee of Detail, it must suffice to refer as above to a more extensive future publication, the present occasion affording neither adequate space nor time. As it must be some months before the *Annual Report of the American Historical Association* makes its appearance, students of the history of the Convention may very likely be glad to have this text now, even without proper comment or discussion. By the kind permission of the Historical Society of Pennsylvania, I am enabled to present the text here.

J. FRANKLIN JAMESON.

The Legislature shall consist of two distinct Branches — a Senate and a House of Delegates, each of which shall have a Negative on the other, and shall be stiled the U. S. in Congress assembled.

Each House shall appoint its own Speaker and other Officers, and settle its own Rules of Proceeding ; but neither the Senate nor H. D. shall have the Power to adjourn for more than                      Days, without the Consent of both.

There shall be a President, in which the Ex. Authority of the U. S. shall be vested. It shall be his Duty to inform the Legislature of the Condition of U. S. so far as may respect his Department — to recommend Matters to their Consideration — to correspond with the Executives of the several States — to attend to the Execution of the Laws of the U. S. — to transact Affairs with the Officers of Government, civil and military — to expedite all such Measures as may be resolved on by the Legislature — to inspect the Departments of foreign Affairs — War — Treasury — Admiralty — to reside where the Legislature shall sit —

to commission all Officers, and keep the Great Seal of U. S. — He shall, by Virtue of his Office, be Commander in Chief of the Land Forces of U. S. and Admiral of their Navy — He shall have Power to convene the Legislature on extraordinary Occasions — to prorogue them, provided such Prorogation shall not exceed        Days in the Space of any He may suspend Officers, civil and military.

The Legislature of U. S. shall have the exclusive Power — of raising a military Land Force — of equipping a Navy — of rating and causing public Taxes to be levied — of regulating the Trade of the several States as well with foreign Nations as with each other — of levying Duties upon Imports and Exports — of establishing Post-Offices and raising a Revenue from them — of regulating Indian Affairs — of coining Money — fixing the Standard of Weights and Measures — of determining in what Species of Money the public Treasury shall be supplied.

The foederal judicial Court shall try Officers of the U. S. for all Crimes etc in their Offices.

The Legislature of U. S. shall have the exclusive Right of instituting in each State a Court of Admiralty for hearing and determining maritime Causes.

The Power of impeaching shall be vested in the H. D. The Senators and Judges of the foederal Court, be a Court for trying Impeachments.

The Legislature of U. S. shall possess the exclusive Right of establishing the Government and Discipline of the Militia etc. and of ordering the Militia of any State to any Place within U. S.

#### *4. A Letter of James Nicholson, 1803.*

WHEN the friends of George Clinton began, as early as 1803, to work for him for the vice-presidency at the next election, his political enemies charged him with having been hostile to Jefferson and friendly to Burr in the campaign of 1800.<sup>1</sup> To meet this charge James Nicholson wrote out a somewhat detailed account of the manner in which Burr came to be nominated in 1800, and indicated the exact share that Clinton had had in that transaction: this account was handed over to Clinton to be used as he thought best. Early in January, 1804, there was some talk of publishing the statement of Nicholson,<sup>2</sup> but, so far as is known, this was never done. Copies of this statement, which Clinton said was substantially correct, although it ought to be improved in style for Nicholson's sake, are to be found in the George Clinton papers<sup>3</sup> in the state library at Albany, and in the De Witt Clinton papers<sup>4</sup> in the library of Colum-

<sup>1</sup> Robert Smith to George Clinton, Nov. 22, 1803. George Clinton MSS., XXVIII. 7233.

<sup>2</sup> Geo. Clinton to De Witt Clinton, Jan. 2, 1804. De Witt Clinton MSS., Letters to De Witt Clinton, 1785-1804.

<sup>3</sup> Geo. Clinton MSS., XXVIII. 7250.

<sup>4</sup> De Witt Clinton MSS., Letters to De Witt Clinton, 1785-1804.